

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

UNITED STATES OF AMERICA

v.

AIDEN BRUCE-UMBAUGH

No. 5:19-CR-0130-H

**GOVERNMENT’S UNOPPOSED MOTION FOR NAME CORRECTION**

Now comes the United States of America, by and through its undersigned attorney, and asks the Court to correct defendant Aiden Bruce-Umbaugh’s name in the indictment and all other pleadings to “Aidan Bruce-Umbaugh.” In support thereof, the Government states the following:

“The settled rule in the federal courts is that an indictment may not be amended except by resubmission to the grand jury, unless the change is merely a matter of form.” *Russell v. United States*, 369 U.S. 749, 770 (1962); *see also United States v. Young Bros., Inc.*, 728 F.2d 682, 693 (5th Cir. 1984). “An amendment of form and not of substance occurs when the defendant is not misled in any sense and is not subjected to an added burden, and is not otherwise prejudiced.” *United States v. Kegler*, 724 F.2d 190, 194 (D.C. Cir. 1983) (*citing Williams v. United States*, 179 F.2d 656, 659 (5th Cir. 1950)).

The United States indicted defendant under the name “Aiden Bruce-Umbaugh” based on written reports provided to the United States Attorney’s Office. At the re-arraignment hearing on January 2, 2020, counsel for Defendant informed the Court that

defendant's name is spelled incorrectly in the indictment and other pleadings. Upon closer inspection, it appears defendant's true and lawful name is spelled "Aidan Bruce-Umbaugh." Undersigned counsel reviewed defendant's NCIC criminal history, letters sent to and from defendant, and various firearm trace summaries—all of which lists defendant's name as "Aidan Bruce-Umbaugh."

The Honorable D. Gordon Bryant, Jr. directly questioned Mr. Bruce-Umbaugh at the re-arraignment hearing if he had been prejudiced in any way by the misspelling of his name. Mr. Bruce-Umbaugh essentially stated that he had not been harmed by the misspelling and that he had received adequate notice. Because this correction would not involve any change in the identity of the accused or result in any prejudice to Mr. Bruce-Umbaugh, this Court should grant the motion. *Cf. Kegler*, 724 F.2d at 195 (affirming district court's correction of defendant's name and name of payee on forged checks when there was no claim that the identity of the accused was misstated and no prejudice to the defendant.).

Respectfully submitted,

ERIN NEALY COX  
UNITED STATES ATTORNEY

/s/ Russell Lorfing  
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CERTIFICATE OF CONFERENCE

I certify that I conferred with Michael King, attorney for the defendant, who advised he does not oppose the foregoing motion.

/s/ Russell Lorfing  
RUSSELL LORFING  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that on January 8, 2020, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic filing” to counsel for Defendant, who has consented to accept this Notice as service of this document by electronic means.

/s/ Russell Lorfing  
RUSSELL LORFING  
Assistant United States Attorney